

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

DA 00-73

January 28, 2000

Claircom Communications Group, L.P.
c/o Tom W. Davidson, Esq.
Akin, Gump, Strauss, Hauer &
Field, L.L.P.
1333 New Hampshire Avenue, N.W.
Suite 400
Washington, D.C. 20036

Cody Wilbanks, Esq.
General Counsel
GTE Airfone Incorporated
2809 Butterfield Road
Box 9000
Oak Brook, Illinois 60521

Mobile Telecommunications Technologies
Corporation
c/o Thomas Gutierrez, Esq.
Lukas, McGowan, Nace & Gutierrez
819 H Street, N.W.
7th Floor
Washington, D.C. 20006

American Skycell Corporation
c/o Louis Gurman, Esq.
Gurman, Kurtis, Blask & Friedman
1400 16th Street, N.W.
Suite 500
Washington, D.C. 20036

Dear Sirs:

This is in response to a joint petition for rulemaking you filed on July 22, 1993 and three joint supplemental petitions filed on October 21, 1993, December 22, 1993, and July 18, 1994 (collectively, the "Petition").¹ In your Petition, you asked us to initiate a rulemaking proceeding to amend the geographical reference coordinates of certain ground station locations set out in former Section 22.1109 of the Commission's rules.² That section has since been renumbered and is now 47 C.F.R. § 22.859.³ Under Section 22.859, providers of air-to-ground ("ATG") telephone service must locate their ground stations within one mile of the reference coordinates listed in Section 22.859.

The Petition specifically requests changes in the reference coordinates for 11 sites. The original petition for rulemaking seeks amendments to the reference coordinates for seven sites: Kenner, Louisiana; Nashville, Tennessee; Bedford, Texas; Kansas City, Missouri; San Jose,

¹ Claircom Licensee Corporation, GTE/Airfone Incorporated and In-Flight Phone Corporation also jointly filed comments April 26, 1996 (and attached a petition for rulemaking), in response to the Wireless Telecommunications Bureau's (Bureau) March 26, 1996, Public Notice No. 62162 seeking comment on rule streamlining proposals under consideration by the Bureau. To the extent not addressed by the Bureau's action today, the proposals made by these parties in their filed comments (and attached petition for rulemaking) will be considered in connection with any future streamlining initiatives undertaken by the Bureau.

² 47 C.F.R. § 22.1109.

³ See Part 22 Rewrite, 9 FCC Rcd 6513, 6656 (1994).

California; Cordova, Alaska; and Sitka, Alaska. The supplemental petitions seek the same relief for Ketchikan and Yakutat, Alaska; Austin, Texas; and Pataskala, Ohio.

The Petition also states that the requested modifications to Section 22.859: (1) are fully consistent with the one mile collocation rule because, in every case, the ground stations of all the petitioners have been constructed within one mile of the proposed new reference coordinates; (2) will not harm current or future ATG service providers because none have initiated construction of a ground station that is located more than one mile from the proposed reference coordinates; (3) will avoid costly relocations of facilities which do not create inter-carrier interference but which technically do not currently comply with the Commission's rules; and (4) will replace reference coordinates that represent illogical locations with reference coordinates which are more appropriate for ATG station locations.⁴

We have examined the requests in your Petition and find that it is in the public interest to amend Section 22.859 to adopt the geographical reference coordinates for the 11 sites requested in your Petition. Our engineering review indicates that a grant of the requested relief will not cause interference to or violate the rights of any other Commission licensee. Accordingly, Section 22.859 is amended to incorporate the geographical reference coordinates for these 11 sites as set forth in the appendix to this letter.

We also find that good cause exists under Section 1.412(c) of the Commission's rules to adopt this rule change without prior public notice and comment because we find such procedures to be unnecessary in this instance.⁵ All of the parties who would be affected by amending the geographical reference coordinates were parties to the Petition. Therefore, we are granting the relief requested without formally seeking comments from the public. Unless an adverse comment is received regarding the amendments to Section 22.859 within 30 days after publication of this letter in the Federal Register, the rule amendments will become effective on the 31st day after publication in the Federal Register.⁶

This action is taken pursuant to the authority delegated to the Chief, Wireless Telecommunications Bureau, in Section 0.331 of the Commission's rules.⁷

Sincerely,

Thomas J. Sugrue
Chief,
Wireless Telecommunications Bureau

Appendix

⁴ *Id.*
⁵ 47 C.F.R. § 1.412(c).
⁶ 47 C.F.R. § 1.427.
⁷ 47 C.F.R. § 0.331.

APPENDIX

FINAL RULES

Chapter 1, Part 22, Subpart G of Title 47 of the Code Federal regulations is amended as follows:

1. **Section 22.859 is revised to change the reference coordinates and/or channel blocks for Cordova, Alaska, Ketchikan, Alaska, Sitka, Alaska, Yakutat, Alaska, San Jose, California, Kenner, Louisiana, Kansas City, Missouri, Pataskala, Ohio, Nashville, Tennessee, Austin, Texas, and Bedford, Texas as follows:**

§ 22.859 Geographical channel block layout.

Except as provided in paragraphs (a) and (b) of this section, ground station locations must be within 1.61 kilometers (one mile) of the locations listed in this paragraph. The channel block allotted for each location must be used to provide service to airborne mobile stations in flight and may be used to provide service to airborne mobile stations on ground.

<u>Location</u>	<u>N. Latitude</u>	<u>W. Longitude</u>	<u>Channel Block</u>
ALASKA			
Anchorage.....	61°11'06"	149°54'42"	8
Cordova.....	60°29'40"	145°28'10"	5
Ketchikan.....	55°21'11"	131°42'33"	5
Juneau.....	58°21'18"	134°34'30"	4
Sitka.....	57°03'04"	135°20'17"	7
Yakutat.....	59°32'23"	139°44'04"	2
ALABAMA			
Birmingham.....	33°23'24"	86°39'59"	2
ARIZONA			
Phoenix.....	33°35'39"	112°05'12"	4
Winslow.....	35°01'17"	110°43'02"	6
ARKANSAS			
Pine Bluff.....	34°10'56"	91°56'18"	8
CALIFORNIA			
Blythe.....	33°36'39"	114°42'24"	10
Eureka.....	40°42'59"	124°12'09"	8
Los Angeles.....	33°56'45"	118°23'03"	4
Oakland.....	37°51'12"	122°12'30"	1
San Francisco.....	37°41'15"	122°26'01"	6
San Jose.....	37°20'56"	121°53'57"	5
Visalia.....	36°19'36"	119°23'22"	7
COLORADO			
Colorado Springs.....	38°44'39"	104°51'46"	8
Denver.....	39°46'45"	104°50'49"	1

Hayden.....	40°29'04"	107°13'08"	6
FLORIDA			
Miami.....	25°48'27"	80°16'30"	4
Orlando.....	28°26'53"	81°22'00"	2
Tallahassee.....	30°24'02"	84°21'18"	7
GEORGIA			
Atlanta.....	33°39'05"	84°25'54"	5
St. Simons Island.....	31°09'22"	81°23'14"	6
HAWAII			
Mauna Kapu.....	21°24'24"	158°06'02"	5
IDAHO			
Blackfoot.....	43°11'34"	112°20'57"	8
Caldwell.....	43°38'45"	116°38'44"	10
ILLINOIS			
Chicago.....	41°46'49"	87°45'20"	3
Kewanee.....	41°12'05"	89°57'33"	5
Schiller Park.....	41°57'18"	87°52'57"	2
INDIANA			
Fort Wayne.....	40°59'16"	85°11'31"	7
IOWA			
Des Moines.....	41°31'58"	93°38'54"	1
KANSAS			
Garden City.....	37°59'35"	100°54'04"	3
Wichita.....	37°37'24"	97°27'15"	7
KENTUCKY			
Fairdale.....	38°04'48"	85°47'33"	6
LOUISIANA			
Kenner.....	30°00'27"	90°13'49"	3
Shreveport.....	32°27'09"	93°49'38"	5
MASSACHUSETTS			
Boston.....	42°23'15"	71°01'03"	7
MICHIGAN			
Bellville.....	42°12'17"	83°29'09"	8
Flint.....	42°58'21"	83°44'22"	9
Sault Saint Marie.....	46°28'45"	84°21'31"	6
MINNESOTA			
Bloomington.....	44°51'30"	93°13'19"	9
MISSISSIPPI			
Meridian.....	32°19'10"	88°41'33"	9

MISSOURI

Kansas City	39°18'13"	94°41'04"	6
St. Louis	38°42'45"	90°19'19"	4
Springfield	37°14'28"	93°22'54"	9

MONTANA

Lewistown	47°02'56"	109°27'27"	5
Miles City	46°25'30"	105°52'30"	8
Missoula	47°01'05"	114°00'41"	3

NEBRASKA

Grand Island	40°58'00"	98°19'11"	2
Ogallala	41°07'11"	101°45'37"	4

NEVADA

Las Vegas	36°05'35"	115°10'25"	1
Reno	39°35'13"	119°55'52"	3
Tonopah	38°03'43"	117°13'24"	9
Winnemucca	41°00'39"	117°45'58"	4

NEW MEXICO

Alamogordo	32°54'46"	105°56'41"	8
Albuquerque	35°03'05"	106°37'13"	10
Aztec	36°48'42"	107°53'48"	9
Clayton	36°27'29"	103°11'16"	5

NEW JERSEY

Woodbury	39°50'01"	75°09'21"	3
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NEW YORK

E. Elmhurst	40°46'21"	73°52'42"	1
Schuyler	43°09'09"	75°07'50"	2
Staten Island	40°36'05"	74°06'35"	9

NORTH CAROLINA

Greensboro	36°05'54"	79°56'42"	9
Wilmington	34°16'10"	77°54'24"	3

NORTH DAKOTA

Dickinson	46°51'05"	102°47'35"	7
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OHIO

Pataskala	40°04'05"	82°42'00"	1
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OKLAHOMA

Warner	35°29'31"	95°18'25"	4
Woodward	36°24'42"	99°28'50"	9

OREGON

Albany	44°38'24"	123°03'36"	5
Klamath Falls	42°06'30"	121°38'00"	2
Pendleton	45°35'45"	118°31'02"	7

PENNSYLVANIA

Coraopolis.....	40°30'33"	80°13'27"	4
New Cumberland.....	40°11'30"	76°52'02"	8
SOUTH CAROLINA			
Charleston.....	32°54'10"	80°01'20"	4
SOUTH DAKOTA			
Aberdeen.....	45°27'21"	98°25'26"	6
Rapid City.....	44°02'36"	103°03'36"	5
TENNESSEE			
Elizabethton.....	36°26'04"	82°08'06"	7
Memphis.....	35°01'44"	89°56'15"	10
Nashville.....	36°08'07"	86°41'39"	3
TEXAS			
Austin.....	32°49'45"	97°07'19"	2
Bedford.....	32°50'19"	97°08'03"	1
Houston.....	29°54'37"	95°24'39"	9
Lubbock.....	33°37'06"	101°52'14"	7
Monahans.....	31°34'58"	102°54'18"	6
UTAH			
Abajo Peak.....	37°50'21"	109°27'42"	7
Delta.....	39°23'15"	112°30'44"	2
Escalante.....	37°45'19"	111°52'27"	5
Green River.....	38°57'54"	110°13'40"	3
Salt Lake City.....	40°39'11"	112°12'06"	1
VIRGINIA			
Arlington.....	38°52'55"	77°06'18"	6
WASHINGTON			
Seattle.....	47°26'08"	122°17'35"	4
Cheney.....	47°33'14"	117°43'35"	1
WEST VIRGINIA			
Charleston.....	38°19'47"	81°39'36"	2
WISCONSIN			
Stevens Point.....	44°33'06"	89°25'27"	8
WYOMING			
Riverton.....	43°03'37"	108°27'23"	9

(a) Carriers authorized to construct and operate air-to-ground radiotelephone systems on the channels listed in § 22.857 may also construct and operate low power ground stations designed to provide service to airborne mobile stations on the ground, provided that no interference is caused to service provided by ground stations located in accordance with the geographical channel block layout or with paragraph (b) of this section. The antenna location of such low power ground station may be anywhere that is at least 483 kilometers (300 miles) from all antenna locations of ground stations using the channel block(s) in accordance with the geographical channel block layout or with paragraph (b) of this section.

(b) Ground station locations may be more than 1.61 kilometers (one mile) from all of the locations listed in this section, provided that they are at least 885 kilometers (550 miles) from all antenna locations of ground stations using the same channel block(s) in accordance with the geographical channel block layout or with this paragraph.